

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
SOUTHERN DIVISION**

**SAMUEL LAMAR BREWER;  
and PAMELA FAYE BREWER**

**PLAINTIFFS**

**v.**

**CIVIL ACTION NO. 1:22-cv-324-TBM-RPM**

**MERIDIAN SOUTHERN RAILWAY, LLC;  
THOMAS RICKEY JACOBS; DAVID BRIAN  
STOKES; MCDEVITT ENTERPRISES, LLC;  
and FICTITIOUS DEFENDANTS S-Z**

**DEFENDANTS**

**ORDER**


This matter comes before the Court on Plaintiffs’ Motion to Remand [56]. At the hearing conducted on February 21, 2024, the Court, having considered the pleadings, the record, the oral arguments of the parties, and the relevant legal authority, announced on the record its detailed findings and conclusions.

This Order does not provide the detail and full analysis that was contained in the oral ruling from the bench—including the finding that due to Magistrate Judge Robert P. Myers’ Order [50] granting Plaintiffs leave to amend to add McDevitt Enterprises, LLC, as a non-diverse defendant, this Court has no basis to exercise jurisdiction and must remand this case to Mississippi state court. *See* 28 U.S.C. §§ 1332; 1447(e) (stating that “if after removal the plaintiff seeks to join additional defendants whose joinder would destroy subject matter jurisdiction, the court may deny joinder, or permit joinder and remand the action to the State court”); and *Hensgens v. Deere & Co.*, 833 F.2d 1179, 1180-81 (5th Cir. 1987) (explaining that the addition of a non-diverse party after removal will defeat jurisdiction).

IT IS THEREFORE ORDERED AND ADJUDGED that Plaintiff’s Motion to Remand [56] is GRANTED.

IT IS FURTHER ORDERED AND ADJUDGED that this suit is REMANDED to the Circuit Court of Harrison County, Mississippi, First Judicial District. A certified copy of this order shall be mailed immediately by the Clerk's Office to the Circuit Clerk of Harrison County, Mississippi, First Judicial District pursuant to 28 U.S.C. § 1447(c).

THIS, the 22nd day of February, 2024.

  
TAYLOR B. McNEEL  
UNITED STATES DISTRICT JUDGE